

AMENDED IN SENATE JULY 15, 2009

AMENDED IN SENATE JULY 8, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 174

Introduced by Assembly Member Carter

January 29, 2009

An act to amend Sections 35511, 35706, 35708, 35710, and 35711 of, to amend and renumber Section 35535 of, and to add Sections ~~35520.5~~, 35710.3, 35780.1, and 35787 to, the Education Code, relating to school district reorganization.

LEGISLATIVE COUNSEL'S DIGEST

AB 174, as amended, Carter. School district reorganization.

(1) Existing law defines an action to reorganize school districts as an action to form, dissolve, or lapse a school district, to annex all or part of the territory of a district to another district, to transfer all or part of a district to another district, the unification or deunification of a school district, or to otherwise alter the boundaries of a school district, or any combination of those actions.

This bill would revise and clarify that definition.

(2) Existing law prescribes the procedure to reorganize school districts, including the filing of a petition with the county superintendent of schools by specified persons. Existing law authorizes a county committee on school district reorganization to approve petitions to transfer territory, other than petitions to transfer uninhabited territory from one district to another, or to transfer inhabited territory of less than 10% of the assessed valuation of the district from which the territory is being transferred, if it finds that certain specified conditions

substantially are met. Existing law requires the committee, if it approves such a petition, to notify the county superintendent of schools, who in turn is required to call an election in the territory of the districts, as determined by the county committee, to be conducted at the next election of any kind in accordance with specified statutory provisions regarding elections.

This bill would authorize a county committee to approve a petition to form one or more school districts if specified conditions are met, including the granting of approval authority by each county superintendent of schools with jurisdiction over an affected school district that elects to grant approval authority to the county committee on school district reorganization for which he or she is secretary; *and* the governing board of each of the affected school districts ~~consents~~ *consenting* to the petition, ~~and the secretary of the county committee designated as the lead agency for purposes of the California Environmental Quality Act (CEQA), as specified, enters into an agreement on behalf of the county committee for any or all affected school districts to share among those districts the costs of complying with CEQA requirements and serving as the lead agency.~~

(3) Existing law provides that any school district which has been organized for more than 3 years shall be lapsed, as provided, if the number of registered electors in the district is less than 6 or if specified conditions are satisfied.

For purposes of these provisions regarding lapses, this bill would define lapse as an action to dissolve a school district and annex the entire territory of that district to one or more adjoining school districts. The bill would provide that an action to lapse a school district is subject to specified general statutory provisions regarding the reorganization of school districts.

(4) The bill also would make related technical and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 35511 of the Education Code is amended
- 2 to read:
- 3 35511. An “action to reorganize districts” means either of the
- 4 following:

1 (a) An action to form a new school district, which is
2 accomplished through any of, or any combination of, the following:

3 (1) Dissolving two or more existing school districts of the same
4 kind and forming one or more new school districts of that same
5 kind from the entire territory of the original districts.

6 (2) Forming one or more new school districts of the same kind
7 from all or parts of one or more existing school districts of that
8 same kind.

9 (3) Unifying school districts, including the consolidation of all
10 or part of one or more high school districts with all or part of one
11 or more component school districts into one or more new unified
12 school districts.

13 (4) Deunifying a school district, including the conversion of all
14 or part of a unified school district into one or more new high school
15 districts, each with two or more new component districts.

16 (b) An action to transfer territory, including the transfer of all
17 or part of an existing school district to another existing school
18 district.

19 ~~SEC. 2. Section 35520.5 is added to the Education Code, to~~
20 ~~read:~~

21 ~~35520.5. (a) For a petition described in Section 35521, the~~
22 ~~county superintendents of schools of the affected counties by~~
23 ~~mutual agreement shall determine which county committee shall~~
24 ~~be designated the lead agency, as defined in Section 21067 of the~~
25 ~~Public Resources Code, for purposes of the California~~
26 ~~Environmental Quality Act (Division 13 (commencing with Section~~
27 ~~21000) of the Public Resources Code).~~

28 ~~(b) If an agreement is not attained pursuant to subdivision (a)~~
29 ~~within 30 days of the transmittal of the petition pursuant to Section~~
30 ~~35704, the lead agency for purposes of the California~~
31 ~~Environmental Quality Act (Division 13 (commencing with Section~~
32 ~~21000) of the Public Resources Code) shall be the county~~
33 ~~committee for which the county superintendent of schools, serving~~
34 ~~as the secretary of the committee pursuant to Section 4012, has~~
35 ~~the greatest number of pupils under his or her jurisdiction, as~~
36 ~~compared to the other affected counties, in the territory proposed~~
37 ~~for reorganization.~~

38 ~~SEC. 3.~~

39 ~~SEC. 2. Section 35535 of the Education Code is amended and~~
40 ~~renumbered to read:~~

1 35786. An order of a county committee attaching the territory
2 of a lapsed school district to one or more adjoining school districts
3 shall be effective for all purposes on the date of the order.

4 ~~SEC. 4.~~

5 SEC. 3. Section 35706 of the Education Code is amended to
6 read:

7 35706. (a) Within 120 days of the commencement of the first
8 public hearing on the petition, the county committee shall
9 recommend approval or disapproval of a petition for unification
10 of school districts or for the division of the territory of an existing
11 school district into two or more separate school districts, as the
12 petition may be augmented, or shall approve or disapprove a
13 petition for the transfer of territory, as the petition may be
14 augmented.

15 (b) The 120-day period for approving or disapproving a petition
16 pursuant to Section 35709 or 35710 shall commence after
17 certification of an environmental impact report, approval of a
18 negative declaration, or a determination that the project is exempt
19 from the California Environmental Quality Act (Division 13
20 (commencing with Section 21000) of the Public Resources Code).

21 ~~SEC. 5.~~

22 SEC. 4. Section 35708 of the Education Code is amended to
23 read:

24 35708. Except for a petition to form one or more school districts
25 approved pursuant to subdivision (b) of Section 35710, a petition
26 transmitted pursuant to Section 35707, including the plans and
27 recommendations included therein, if any, together with the
28 recommended approval or disapproval and the plans and
29 recommendations, if any, of the county committee shall be heard
30 by the state board as provided in Article 4 (commencing with
31 Section 35750).

32 ~~SEC. 6.~~

33 SEC. 5. Section 35710 of the Education Code is amended to
34 read:

35 35710. (a) For all other petitions to transfer territory, if the
36 county committee finds that the conditions enumerated in
37 paragraphs (1) to (10), inclusive, of subdivision (a) of Section
38 35753 substantially are met, the county committee may approve
39 the petition and, if approved, shall notify the county superintendent
40 of schools who shall call an election in the territory of the districts

1 as determined by the county committee, to be conducted at the
2 next election of any kind in accordance with either of the following:

3 (1) Section 1002 of the Elections Code and Part 4 (commencing
4 with Section 5000) of Division 1 of Title 1.

5 (2) Division 4 (commencing with Section 4000) of the Elections
6 Code.

7 (b) A county committee also may approve a petition to form
8 one or more school districts if the requirements of subdivision (a),
9 and the following conditions, are met:

10 (1) Each county superintendent of schools with jurisdiction over
11 an affected school district elects to grant approval authority to the
12 county committee on school district organization for which he or
13 she is secretary pursuant to Section 4012, and that county
14 committee chooses to accept that authority.

15 (2) The governing board of each of the affected school districts
16 consents to the petition.

17 (3) The secretary of the county committee designated as the
18 lead agency pursuant to Section 35710.3 or subdivision (a) of
19 Section 35520.5 enters into an agreement on behalf of the county
20 committee for any or all affected school districts to share among
21 those districts the costs of complying with the requirements of the
22 California Environmental Quality Act (Division 13 (commencing
23 with Section 21000) of the Public Resources Code).

24 (c) A petition to form one or more school districts that meets
25 the conditions described in subdivision (b), but is not approved by
26 the county committee, shall be transmitted to the state board
27 pursuant to subdivision (a) of Section 35707 and heard by the state
28 board pursuant to Section 35708. The state board, rather than the
29 county committee, shall be the lead agency, as defined in Section
30 21067 of the Public Resources Code, for purposes of the California
31 Environmental Quality Act (Division 13 (commencing with Section
32 21000) of the Public Resources Code) for each petition transmitted
33 pursuant to this subdivision, including a petition disapproved by
34 the county committee after determining the project is exempt from
35 the California Environmental Quality Act pursuant to paragraph
36 (5) of subdivision (b) of Section 21080 of the Public Resources
37 Code.

38 ~~SEC. 7.~~

39 *SEC. 6.* Section 35710.3 is added to the Education Code, to
40 read:

1 35710.3. A county committee shall be the lead agency, as
2 defined in Section 21067 of the Public Resources Code, for
3 purposes of the California Environmental Quality Act (Division
4 13 (commencing with Section 21000) of the Public Resources
5 Code) for each petition it considers pursuant to Sections 35709
6 and 35710, unless the state board is the lead agency pursuant to
7 subdivision (c) of Section 35710.

8 ~~SEC. 8.~~

9 *SEC. 7.* Section 35711 of the Education Code is amended to
10 read:

11 35711. (a) A person questioning the finding of the county
12 committee pursuant to Section 35709 or 35710 that the action to
13 transfer territory or form one or more school districts will not
14 adversely affect the racial or ethnic integration of the schools of
15 the districts affected, may appeal a decision based on that finding.
16 The appeal shall be made to the state board within 30 days. The
17 appeal shall be based upon factual and statistical evidence.

18 (b) If the state board denies the appeal, the decision of the county
19 committee shall stand. If the state board approves the appeal, it
20 shall review the findings of the county committee at a regular
21 meeting of the state board.

22 (c) The state board shall notify the county committee of its
23 decision on the appeal. If the state board approves the appeal, the
24 county committee shall transmit a copy of the proceedings to the
25 state board within 30 days after receipt of notice. The state board
26 shall review the transcript, considering all factors involved. The
27 state board may reverse, or may affirm, the decision of the county
28 committee, or if it appears that inadequate consideration was given
29 to the effect of the transfer on integration of the schools of the
30 districts affected, it shall direct the county committee to reconsider
31 its decision and for this purpose to hold another hearing.

32 ~~SEC. 9.~~

33 *SEC. 8.* Section 35780.1 is added to the Education Code, to
34 read:

35 35780.1. For purposes of this article, “lapse” means an action
36 to dissolve a school district and annex the entire territory of that
37 district to one or more adjoining school districts.

38 ~~SEC. 10.~~

39 *SEC. 9.* Section 35787 is added to the Education Code, to read:

1 35787. Except as otherwise provided in this article, an action
2 to lapse a school district is subject to the provisions of Chapter 3
3 (commencing with Section 35500).

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